

**Amendments to the Drawings:**

The attached sheet(s) of drawings includes changes to Fig. 1. This sheet, which includes Fig. 1, adds the prior art legend and replaces the original sheet(s) including Fig. 1.

Attachment: Replacement Sheet

### **Remarks**

Reconsideration of this application, as amended, is respectfully requested in light of the amendments above and remarks below.

Claims 1-4 were pending prior to this response, claims 1-3 remain pending and claims 4-5 are canceled.

In the office action mailed November 10, 2003, the Examiner rejected Figure 1 for failing to include a prior art legend. The revised drawing sheet is attached hereto which the Applicants submit overcomes the Examiner's objection. The Examiner rejected claims 1-5 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,637,974 to McCann ("the McCann patent"). For the reasons set forth in greater detail below, the Applicants respectfully traverse the Examiner's rejections.

As noted above, the Examiner rejected claims 1-3 under 35 U.S.C. § 102(b) as being anticipated by the McCann patent. The Applicants have amended claim 1 to point out that the torque controller is operable to output the voltage command to the inverter based on the modified shaft position determined by the position estimator and/or the shaft position determined by the sensorless control system. This configuration for the torque controller allows the torque controller to operate during inoperability of the position estimator.

The McCann patent fails to disclose the limitations recited above with respect to independent claim 1. In particular, the McCann patent fails to disclose that commutation means 58 can provide the torque control during inoperability of position estimator 60. Rather, the McCann patent only discloses that commutation means 58 can maintain operability as long as the rotor position estimator 60 is operable. (See the McCann patent paragraph at Column 13, line 52)

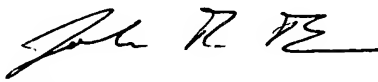
As a result, Applicants submit that independent claim 1 is not anticipated by the McCann patent. Reconsideration of the Examiners' rejection of claim 1 under 35 U.S.C. § 102(b) is therefore respectfully requested.

Claims 2-3 depend directly from independent claim 1, and include all the limitations thereof. Accordingly, and for the reasons set forth above concerning independent claim 1, the Applicants submit that claims 2-3 likewise overcome the Examiners' rejection thereof under § 102(b), and reconsideration of the Examiners' rejection of those claims is also respectfully requested.

For the foregoing reasons, the Applicants submit that claims 1-3 meet both the formal and subsequent requirements for patentability, and that the application is in condition for allowance. Accordingly, such action by the Examiner is respectfully requested.

If a telephone conference would expedite allowance or resolve any additional questions, such a call is invited at the Examiner's convenience.

Respectfully submitted,  
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By 

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